

Nos. 16-56057 & 16-56287

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

MICHAEL SKIDMORE,
AS TRUSTEE FOR THE RANDY CRAIG WOLFE TRUST
PLAINTIFF, APPELLANT AND APPELLEE

vs.

LED ZEPPELIN, *ET AL.*
DEFENDANTS AND APPELLEES
AND
WARNER/CHAPPELL MUSIC, INC.,
DEFENDANT, APPELLEE AND APPELLANT

APPEALS FROM THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
HON. R. GARY KLAUSNER, DISTRICT JUDGE, CASE NO.15-cv-03462 RGK (AGR_x)

**DEFENDANTS' MOTION FOR LEAVE TO FILE
COMBINED REPLY TO PLAINTIFF'S
RESPONSES TO AMICUS CURIAE BRIEFS**

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Defendants respectfully seek leave to file the accompanying proposed Combined Reply to plaintiff's Responses to the Amici Curiae Briefs supporting affirmance of the judgment below.

After the completion of the parties' briefing, plaintiff has filed:

1. Plaintiff's Response ([Dkt. Entry 136](#)) in Opposition to the Amicus Briefs filed by Intellectual Property Law Professors and Musicologists;
2. Plaintiff's Response ([Dkt. Entry 149](#)) in Opposition to the Amicus Briefs filed by the United States, 123 Songwriters, and the Recording Industry Association of America (the "RIAA") and the National Music Publishers' Association (the "NMPA"), and which also incorporates by reference:
 - a. Plaintiff's Response ([Dkt. Entry 79](#)) in Opposition to the Motion of 123 Songwriters for leave to file an amicus brief; and
 - b. Plaintiff's Response ([Dkt. Entry 80](#)) in Opposition to the Motion of the RIAA and the NMPA for leave to file an amicus brief.

Defendants respectfully submit that there is good cause for the Court to grant leave to file the accompanying proposed Combined Reply to plaintiff's foregoing Responses.

First, in the approximately sixty-five pages filed by plaintiff in opposition to the Amici supporting affirmance of the judgment below, plaintiff misstates the law and the evidence at trial, advances new arguments, and cites to a supposedly dispositive case that he never previously cited. Because of the sheer volume of the material plaintiff has submitted since briefing was completed, argument will not provide sufficient time for defendants to explain why they believe plaintiff has misstated the law and the evidence at trial.

Second, the proposed Combined Reply identifies what appear to be the principal issues, providing in one short document of approximately 5,000 words a comprehensive summary of those issues.

Third, the proposed Combined Reply, including by providing hyperlinks to cited cases, statutes, briefs, and the record on appeal, allows the Court to easily access and review the cited material and, for example, confirm which of the parties is correctly describing the evidence at trial.

Finally, in the interest of a correct determination of the issues and in fairness, defendants should be provided the opportunity to submit the proposed Combined Reply to plaintiff's approximately sixty-five pages of new briefing.

Plaintiff's counsel have advised that they do not oppose this Motion if defendants combine their proposed Reply in a single brief with their proposed

Response to the Pullman Group, LLC *et al.* Brief, and otherwise defer to the Court's discretion.

Respectfully submitted,

Dated: September 9, 2019

/s/ Peter J. Anderson
Peter J. Anderson, Esq.
DAVIS WRIGHT TREMAINE LLP

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed this Petition with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF System on September 9, 2019.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system

Dated: September 9, 2019

/s/ Peter J. Anderson